

L I C H T E N & L I S S - R I O R D A N , P. C.

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*Application granted, except  
copies of the documents with the  
alleged confidential material  
redacted should be filed in the  
public docket.*

October 7, 2021

**VIA CM/ECF**

Hon. John G. Koeltl  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

*So ordered.*

*Dr. G. Koeltl  
S.D.S.  
10/8/21*

**RE: William Chandler v. International Business Machines Corp., C.A. No. 1:21-cv-06319**

Dear Judge Koeltl:

I represent Plaintiffs in the above-referenced matters. Pursuant to Your Honor's Individual Rule VI(A)(2), Plaintiffs seek permission to file their Motion for Summary Judgment under seal, along with the accompanying Declaration of Shannon Liss-Riordan and exhibits.

The reason for this request is that these documents contain information that falls under the scope of the confidentiality agreement contained within IBM's arbitration agreements (see Exhibit 2 to Liss-Riordan Decl.), which is the subject of Plaintiffs' Motion for Summary Judgment. As explained extensively in the Motion for Summary Judgment, Plaintiffs do not believe that IBM's confidentiality provision in its arbitration agreement should be enforced. Plaintiffs further believe that these documents be publicly filed. In particular, Plaintiffs note that Your Honor's Individual Rule 7(B) states in relevant part that: "In general, the parties' consent or the fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial government." (citing In re Gen. Motors LLC Ignition Switch Litig., No. 14-MD-2543 (JMF), 2015 WL 4750774, at \*4 (S.D.N.Y. Aug. 11, 2015).

Nevertheless, until IBM has had the opportunity to respond, and the Court has had the opportunity to consider the parties' arguments regarding confidentiality, Plaintiffs request that, at least preliminarily, these documents be permitted to be filed under seal.

L I C H T E N   &   L I S S - R I O R D A N ,   P . C .

Sincerely,

/s/ Shannon Liss-Riordan  
Shannon Liss-Riordan

*Attorney for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2021, a true and accurate copy of the foregoing document was filed via this Court's CM/ECF system.

/s/ Shannon Liss-Riordan  
Shannon Liss-Riordan